

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)	
)	
of the Educator Certificate of)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Brian D. Denny)	
)	
Certificate 212648)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 9, 2005. On August 19, 2005, the Department of Education (Department) sent Brian D. Denny a notice of his right to a due process hearing regarding the possible suspension of his South Carolina educator certificate by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Denny received the notice, as evidenced by the signed postal receipt bearing his signature. Mr. Denny initially requested a hearing, but later withdrew that request in writing. After considering the information presented, the State Board voted to suspend Mr. Denny's certificate for one year.

FINDINGS OF FACT

Mr. Denny holds a valid certificate with over three years experience. Mr. Denny held a contract for the 2005-06 school year with Sumter County School District Seventeen, and was assigned as an Assistant Band Director at Bates Middle School. On July 27, 2005, Mr. Denny notified his Principal that his last day of employment would be August 3, 2005. On August 5, 2005, the District notified Mr. Denny that his resignation was not in compliance with District policy. Mr. Denny did not return to work, and on August 16, 2005, the District Board of Trustees voted to request suspension of Mr. Denny's certificate as a result of his breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. §§ 59-25-150 and 160 (2004). Breach of contract is deemed to be unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that the information presented supports its determination that just cause exists to suspend Mr. Denny's certificate 212648 for a period of one year, from November 9, 2005, through November 8, 2006. Should Mr. Denny wish to have his certificate reinstated at the end of the suspension period, he may make a written request for reinstatement to the Office of Educator Certification.

South Carolina State Board of Education

By: /S/ Paul M. Forrester

Paul M. Forrester, Chair

Columbia, South Carolina

November 9, 2005